

Docket No.: 10644-0001-0 PCT

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
BERNHARD A. SABEL ET AL : EXAMINER: HARTLEY, M. G.
SERIAL NO: 09/445,439 : GROUP ART UNIT: 1616
FILED: FEBRUARY 23, 2000 : ALLOWED: FEBRUARY 19, 2003
FOR: DRUG TARGETING SYSTEM, METHOD OF ITS PREPARATION AND ITS USE

PETITION FOR WITHDRAWAL OF APPLICATION
FROM ISSUE UNDER 37 C.F.R. §1.313(c)(2)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Applicants hereby petition the Commissioner to withdraw the above-identified application from issue under the provisions of 37 C.F.R. §1.313(c)(2) in order to permit consideration of a Request for Continued Examination in compliance with 37 C.F.R. §1.114. The Request for Continued Examination is filed because the Amendment filed under 37 C.F.R. §1.312 on March 26, 2003, was not entered by the Examiner.

The facts in this case are as follows:

The Issue Fee was paid in this application on May 9, 2003, as evidenced by the enclosed date-stamped filing receipt.

An Amendment under 37 C.F.R. §1.312 was filed on March 26, 2003, to correct an error in Claim 101. A copy of the Amendment as filed, including the date-stamped filing receipt are attached herewith. A copy of the Amendment under 37 C.F.R. §1.312 was filed together with the Issue Fee on May 9, 2003, as evidenced by the above filing receipt for the

08/18/2003 AKELLEY 00000003 09445439

01 FC:1460
02 FC:1801

130.00 OP
750.00 OP

Issue Fee payment.

Applicants received a communication of July 11, 2003, from Examiner Hartley, in which the Examiner states that the Amendment filed May 9, 2003, is disapproved because it changes the scope of the claims. A copy of this communication is attached herewith.

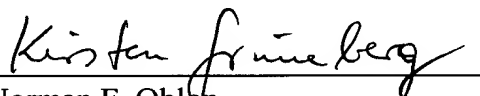
The Request for Continued Examination is filed to obtain consideration of the Amendment of Claim 101 filed under 37 C.F.R. §1.312 on March 26, 2003 and an additional Amendment of Claim 102. The appropriate Amendment is attached herewith.

Favorable consideration of this petition is respectfully requested.

The required fee of \$130.00 is enclosed herewith by check and any further charges may be made against the Attorney of Record's Deposit Account No. 15-0030. A duplicate copy of this petition is attached.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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OSMM&N File No. 10644-0001-0

Dept.: C

By: NFO/SHB/dms

Serial No. 09/445,439

In the matter of the Application of: Bernhard A. SABEL, et al.

For: DRUG TARGETING SYSTEM, METHOD OF ITS PREPARATION AND ITS
USE

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Short Cover Letter
- Amendment Under 37 C.F.R. § 1.312
- Marked-Up Copy

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